



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY MARCH 17, 2022 REGULAR MEETING 7:00 P.M.

### This meeting was held remotely, via ZOOM.

Commissioners Present: J. Chadwick, S. Huttner, J. Vaiuso, M. Palluzzi, C. Andres, M. Liguori,  
F. Russo (arrived at 10:34 p.m.)  
Commissioners Absent: P. Higgins  
Staff Present: H. Smith-Town Planner, E. Breining- Asst. Town Planner,  
Town Counsel - W. Aniskovich, M. Martin - Clerk

The meeting started at 7:04 p.m.

There was no Public Hearing notice to read into the record since there are no new public hearings at this meeting.

Chairperson Andres reviewed the Public Hearing procedures. E. Breining reviewed the procedure to participate in the public hearing portion of the meeting.

### **PUBLIC HEARINGS:**

1. FSI Acquisitions LLC c/o John Knuff-Applicant  
Hamilton Branford LLC-owner of 81-111 Commercial Pkwy  
49 Commercial Pkwy LLC-owner of 49 Commercial Pkwy, 81-111 Commercial Pkwy  
& 49 Commercial Pkwy  
Special Exception- Grading (Section 6.8)  
**Application #21-11.9**  
**A/R 11/18/21 & PH opened 2/17/22 & continued to 3/17/22**
2. FSI Acquisitions LLC c/o John Knuff-Applicant  
Hamilton Branford LLC-owner of 81-111 Commercial Pkwy  
49 Commercial Pkwy LLC-owner of 49 Commercial Pkwy, 81-111 Commercial Pkwy  
& 49 Commercial Pkwy  
Special Exception- Warehouse Distribution, E-commerce &  
Fulfillment Centers  
**Application #21-11.10**  
**A/R 11/18/21 & PH opened 2/17/21 & continued to 3/17/22**

Public Hearing #1 and #2 were discussed together.

Attorney John Knuff (Broad St, Milford, CT) represented the applicant and spoke first briefly reviewing the status of the applications and he reviewed some of the questions and comments that were discussed at the prior meeting. He noted that they need a waiver under 6.3.L in the zoning regulations regarding landscaping along a narrow strip that leads out of the canopy area into Commercial Pkwy. He stated that landscaping won't work in that area and that a waiver is

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appropriate considering they are adding nearly 2,000 plants to the entire site.

Dennis Goderre then reviewed signage and landscaping changes noting that a total of 1,840 plants will be planted on the site. This includes 216 small to large trees, 302 shrubs, 480 (ground cover and ornamental plants and 750 shrubs along or on retaining walls and 100 plants in the rain garden.

Attorney Knuff then spoke of traffic issues: one item was that the Chair asked for a memo detailing what authority the town has post approval, and post construction. He said he provided a memo to staff braking that down. It comes down to is they are required to get a certificate from OSTA and every OSTA certificate has a provision that says they can review traffic on an ongoing basis and if something changes then they are required to make changes to respond to those traffic changes. He noted that the police chief is the local traffic authority and they have the authority to contact OSTA if they notice any change in the traffic associated with the development and they can request that OSTA review the traffic again. They can also ask OSTA to limit truck traffic on certain town roads.

The other traffic issue was the discussion that they would not have negative impacts on the level of service during peak hours (am & pm commute & Saturday afternoon). He then turned the discussion over to Rob Baltramaitis (Licensed Professional Engineer).

R. Baltramaitis detailed the numbers in off peak and peak hours and levels of service.

E. Breining reviewed the staff report briefly. H. Smith noted that revised plans had been received very recently and that additional staff comments may be provided to the commission after the Public Hearing if it is closed tonight.

H. Smith requested the applicant consider extending the sidewalk a short distance to the north to connect with the sidewalk extending to the east side of Commercial Parkway which would include possibly a short portion of sidewalk off site and across walk. H. Smith also gave a few comments noting the Engineering Dept. stated a small amount of work still needs to be done (install a manhole & work on the sewer line) that would require an easement from the abutting property to the north on which Vox Church is located so both issues could be addressed together.

W. Aniskovich (Brenner, Saltzman & Wallman) spoke noting he reviewed the memo from Attorney Knuff and spoke with the town Planner also. He stated he submitted his comments for the file and then summarized them saying he agrees with Attorney Knuff statement that the Commission under the regulations has no authority to prohibit that absent some very clear standards that don't apply in this particular case and absent any actual projected traffic impact or tractor trailer travel on RT. 142 that any attempt to condition approval upon the basis of those hypothetical concerns or even deny the application based on the hypothetical concerns wouldn't survive a reasonable challenge in court. However, he said both parties have accurately stated that this is a major traffic generator and will require a certificate from OSTA and that review process of granting the certificate includes input from the local traffic authority at the beginning of the process and there would be a reservation pursuant to state law that would provide ongoing regulatory authority on the part of OSTA. And the police commissioners as the local traffic authority could at any time request a regulation that would prohibit thru traffic of tractor trailers. He also pointed out to the extent that these concerns were based on a COG report and that report itself was the subject of an amendment in which the language that committed the

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town of East Haven and New Haven to evaluating any potential increases in cargo (freight traffic) from Tweed was removed and replaced with a provision that basically commits the area to work with the COG on enhancing passenger travel out of Tweed. So it appears that the motion was made by our First Selectman who serves on the transportation committee at COG at the March 9 meeting and it goes for final approval to the full COG so it's worth the Commission noting that the basis for those conjectures is somewhat misplaced as well. So, regardless if the actual traffic pattern changed, the town thru its local traffic authority would continue legally to have the ability to do what was suggested should be done on RT 142 should there be some factual basis in reality for that concern. So, he believes the town has the legal authority in the future to address any change.

The Commissioners discussed this briefly.

**PUBLIC INPUT:**

- Britton Miller-(252 Shore Dr)- She expressed thanks for the follow up on comments regarding Rt 142. She asked if there could be a limit placed on trucks using Rt 142 now. Why wait until there is a problem? She asked if Amazon could ask their drivers to not use RT 142 as a thru drive.
- Josephine Savino-(Short Beach) - She is concerned about traffic on RT 1 and shares Britton Miller's other concerns. She asked if there will be any other traffic studies done after Aldi's opens. She noted there will be more traffic when Aldi & Chase Bank opens. She stated there are many people in short Beach that are concerned about traffic.
- Nancy Peniston- (Cherry Hill Rd) - She is very concerned about traffic. She doesn't understand why Amazon would want to build here. She asked if summer traffic was considered.
- Shirley McCarthy (Forest Comm) - She was delighted that native plants are being used for the project but was disappointed that there is no renewable energy. She supports the project as it is a good example of a smart development.

The Applicant responded to some of the public comments.

- Britton Miller- She asked what other options neighbors have regarding traffic.
- Kate Galambos- She talked of numbers on the traffic excel sheet.

**Chairperson Andres closed the Public Hearings for Application 21-11.9 and Application 21-11.10.**

3. 61 Burban Associates LLC, c/o Joseph lamunno (Manager)-  
Applicant & Owner  
61 Burban Drive  
PDD/Master Plan-Multi-Family Residential Development  
**Application #21-11.4**  
**A/R 11/18/21 & PH opened 1/20/22 & continued to 3/17/22**
4. 61 Burban Associates LLC, c/o Joseph lamunno (Manager)-  
Applicant & Owner  
61 Burban Drive  
PDD Site Plan/Cam – Multi-Family Residential Development

**Application #21-11.5**

**A/R 11/18/21 & PH opened 1/20/22 & continued to 3/17/22**

Application #21-11.4 and #21-11.5 were discussed together. Attorney John Knuff reviewed the applications. Todd Ritchie (Professional Engineer, SLR) reviewed the site and lighting plan.

John Cruet-(Professional Architect) displayed a 3D rendering of the smallest of the units (375 sq ft). He noted there would be 12 of them in the development.

The Commissioners asked a few questions.

H. Smith reviewed the staff report regarding what staff issues and comments had been addressed noting that the question of the future status of "Lions Park" had not been sufficiently addressed. He stressed the need for an easement to formalize public access to this area. He stated that additional staff comments regarding the record to date may be presented to the Commission after the Public Hearing if it is closed tonight.

**PUBLIC INPUT:**

- Timothy Hunt- He was unable to speak but left comments in the chat feature. He said that Atty. Knuff said at the prior meeting they would reach out to him regarding his neighbor privacy concerns but they did not. He noted there are no fences along the parking lot and also asked where the dumpsters would be located. He said dumping and trash near the woods is a concern of his. He stated he is not against the project but he wants to keep the woods clean and not have 50 cars shining in his backyard. He also asked if changing the zone only applies to the current building. In the future he asked if they tore down the current building could they come in and build a multistory apartment building.
- Quintin Cann- He said he has spoken in depth at prior meetings and stands by his comments. He noted he has had positive interaction with the developer and he would be willing to withdraw his request to show fencing and shrubs on the drawing as a condition of approval since he is sensitive to the difficulty of the area due to wetlands. He noted he is still concerned with the lighting, particularly in the smaller park area in the northwest corner of the parking lot. That area is very near his bedroom window and shielding lighting there is difficult. He stated he has several areas of woods to the north of that area and there is a lot of wildlife that live in that area. He would like to make sure the wildlife is not impacted by the lighting. Maybe a timer could be set for the lighting?

Todd Ritchie, P.E. addresses some of the public comments.

Attorney Knuff gave a few comments. He felt this site is a wonderful opportunity. The only way to repurpose this building is with a PDD. There is no other zone they can avail themselves of to maintain this existing building. He stated there is nothing else they could do with the property that would have less of an impact on any neighbor. They will be maintaining the mature vegetation. He said the public would not be actively excluded from "Lions Park" but that the applicant does not want to offer an easement.

Quintin Cann replied to Attorney Knuff's comments saying this project will impact all parts of his property. He asked what time the lighting shut off will at night. He has concerns and would like a follow up.

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The commission had a brief discussion. Chairperson Andres noted the continued discussion regarding "Lions Park". For the record, it was noted that Commissioner M. Palluzzi is a licensed realtor and Licensed Landscape Architect.

**Chairperson Andres closed the Public Hearings for Application # 21-11.4 & #21-11. 5.**

The Commission took a 10 minute break at 9:55 p.m.

5. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Service  
**Application #22-1.6**  
**A/R 2/3/22 & PH opened 3/3/22 & continued to 3/17/22**

6. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Sales  
**Application #22-1.7**  
**A/R 2/3/22 & PH opened 3/3/22 & continued to 3/17/22**

Application #22-1.6 and #22-1.7 were discussed together.

The applicant spoke and explained that one application is for the change in usage. He was previously approved for storage use and now he is applying for motor vehicle sales and service for small antique MG cars.

E. Breining reviewed the staff report and displayed a site plan.

The commissioners asked a few questions.

**Chairperson Andres closed the public hearing for Application#22-1.6 and #22-1.7.**

7. RHC Associates-Applicant & Owner  
424-436 West Main Street  
Special Exception Modification-Restaurant  
**Application #22-2.3**  
**A/R 2/17/22 & PH opened 3/3/22 & continued to 3/17/22**

Chas Evans (Bohler) spoke and reviewed the vehicle queuing and displayed an aerial photo of the site and site plans.

E. Breining reviewed the staff report.

For the record, F. Russo joined the meeting at 10:34. He stated he listened to the whole of public hearing for this application on his phone.

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**PUBLIC INPUT:**

- **Ralp Pavone- 10 Gentile Place-** He is the neighbor behind McDonalds. He asked what McDonalds is going to do to protect his property. Over the summer someone came thru the wall into his property from the McDonalds lot and hit his house. He also stated his bedroom is on that side of the property and with this additional lane, there will be more headlights into his window. He has to deal with excessive lighting now. What will they do to correct these problems?

The applicant replied to his issues. They said they would provide a fence and the neighbor said a fence won't hold a car.

E. Breining read from the regulations.

They discussed a wall between MCDonalds and the neighbor. Mr. Pavone would be happy with a 6ft wall (concrete or masonry).

**Chairperson Andres closed the public hearing and noted the Commission will not be voting on this item at that meeting.**

**MINUTES: 2/3/22 & 3/3/22**

**J. Chadwick made a motion to approve the 2/3/22 meeting minutes.**

**F. Russo seconded the motion which passed unanimously.**

**M. Palluzzi made a motion to approve the 3/3/22 meeting minutes.**

**J. Vaiuso seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

H. Smith stated documentation regarding an application to the CT Siting Council for an existing cell tower 10 Sylvia Street cell tower for addition of equipment had been received.

**OLD BUSINESS:**

1. **Montowese Building Group, LLC-Applicant**  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owner of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception- Grading (Section 6.8)  
**Application #22-1.4**  
**A/R 1/20/22 & PH set for 4/7/22**
2. **Montowese Building Group, LLC-Applicant**  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owners of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception/CAM-Open Space Residential Development (OSRD)  
**Application #22-1.5**  
**A/R 1/20/22 & PH set for 4/7/22**

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3. Nitenday Associates, LLC c/o Ken Ginsberg-  
Applicant & Owner  
221 West Main St. (Unit 7)  
Special Exception- Indoor Recreation  
**Application #22-2.4**  
**A/R 3/3/22 & PH set for 4/7/22**
4. Matthew & Stephanie Milano-Applicants & Owners  
125 Thimble Islands Road  
2 Lot Subdivision & Coastal Site Plan  
**Application #22-2.5**  
**A/R 3/3/22**

This item will be discussed at the next meeting (4/7/22)

5. Stephen & Rita Prota-Applicants & Owners  
36 Greenfield Avenue  
Special Exception- Attached two car Garage  
**Application #22-3.1**  
**A/R 3/3/22 & PH set for 4/7/22**
6. Claudia V. Sepot-Applicant & Owner  
33 Island View Avenue  
Coastal Site Plan-Single family home  
**Application #22-3.2**  
**A/R 3/3/22**

John Schmitz (BL Companies) represented the applicant and reviewed the site plan. He explained the proposal is to construct a new single family home.

E. Breining reviewed the staff report.

**J. Chadwick made a motion to approve the application with the Findings and Conditions below:**

**FINDINGS:**

1. The Coastal Site Plan is consistent with the goal and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

**CONDITIONS:**

1. Prior to the start of construction the following shall be addressed to the satisfaction of the Town Planner of his designee:
  - a. Erosion control measures shall be installed and added to the Site Plan.

**F. Russo seconded the motion which passed unanimously.**

7. Daniel Rabin-Applicant  
Zoning Regulation Amendment-  
Addition of Solar Regulations  
**Application #22-3.3**  
**A/R 3/3/22 & PH set for 4/21/22**

**RETURN TO TABLE:**

1. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Service  
**Application #22-1.6**  
**A/R 2/3/22 & PH opened 3/3/22 & continued to 3/17/22**
2. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Sales  
**Application #22-1.7**  
**A/R 2/3/22 & PH opened 3/3/22 & continued to 3/17/22**

**M. Palluzzi made a motion to approve Application #22-1.6 and #22-1.7 with the Findings and Conditions below:**

**FINDINGS:**

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per Section 9.8.F.

**CONDITIONS:**

1. Prior to the start of construction, any necessary erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.
2. No additional signage or new or replacement exterior lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
3. All conditions of previous approvals shall remain in full force and effect as they may apply.
4. Any outdoor storage should be limited to the rear of the property.

**J. Chadwick seconded the motion which passed unanimously.**



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**NEW BUSINESS:**

1. 9 Elm Street LLC, c/o Kevin O'Neill-  
Applicant  
33 Elm Street  
Zoning Map Change-R1 to IG1  
**Application #22-3.4**  
**To be A/R & PH to be set**

Staff will set the public hearing.

2. Joseph Grise c/o HPoint LLC-  
Applicant & Owner  
45 West Haycock Pt. Rd  
Special Exception & CAM- Single Family Home  
**Application #22-3.5**  
**To be A/R & PH to be set**

Staff will set the public hearing.

3. Justin Gargano-Applicant  
Charles Weber Jr. c/o 16 Business Park LLC-Owner  
16 Business Park Drive  
Site Plan Modification- Add patio & landscaping to Brewery  
**Application # 22-3.6**  
**To be A/R**

**OTHER BUSINESS:**

1. Referral from Zoning Board of Appeals (Use Variance Application)-  
15-19 Church Street.

H. Smith noted that Commissioner M. Palluzzi is not participating in this discussion. He stated that this property was subject to a use variance last year for conversion from a commercial use to a single family residential use. He displayed the site plan explaining the property owner is running into issues during construction and is finding it's not practical or feasible to convert that structure. He would like to take the structure down and build a single family there and a 2 family behind it. He noted there are already 2 residential units in the other building on the property.

The Zoning Board of appeals has an application on their agenda for this and they are required to refer that to the PZ Commission for comments. The ZBA will discuss this in April.

Chairperson Andres asked a few questions.

Joe Lepre (property owner) spoke next. He explained the last referral was to change the building on the corner to a single family use and put an apartment in there. He said the renovations are exceeding the worth of the structure. He said there is already a two family on the property which predates zoning and would remain. His proposal is to tear down the single family on the corner and rebuild it as a single family and build a two family behind it., having the parking in the back of the structure to hide it from the road.

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The commission discussed this briefly and had no objections to the proposal.

2. Planner's Report

H. Smith noted there was a general email blast sent out for the upcoming Public Informational Special Meeting on March 24 to discuss the draft of the Affordable Housing Plan. The consultant, Glenn Schulder will be present to make a brief presentation and then open it up for public comments.

He also noted that the Commission will need to review the plan and set a public hearing. He talked of possible meeting dates. He noted per state law, the plan needs to be in place by June 1. He said a possible special meeting may occur on May 26 and he asked the commission to check their schedules and let him know if they can attend.

Chairperson Andres noted the next regular planning & zoning meeting on April 7 will be in person at the Fire house Headquarters at 7pm.

The meeting adjourned at 11:20 pm.